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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General
Technical assistance and capacity-building

Situation of human rights in Guinea

Report of the United Nations High Commissioner for Human Rights

Summary

In the report submitted pursuant to Human Rights Council resolution 28/33, the United Nations High Commissioner for Human Rights describes the human rights situation in Guinea in 2015 and makes recommendations to address various human rights problems. He also provides information on the activities of the country office of the High Commissioner for Human Rights in Guinea and the results achieved through the technical assistance provided by the latter.

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I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 28/33, the United Nations High Commissioner for Human Rights assesses the human rights situation in Guinea in 2015, as well as the steps taken by the Government to implement the recommendations of the international human rights protection mechanisms and those made in the High Commissioner's previous report (A/HRC/28/50). The High Commissioner also reviews the activities of the country office of the High Commissioner for Human Rights in Guinea and makes recommendations to the Government and the international community.

II. Main political and economic developments affecting human rights

2. On 11 October 2015, Guinea held the second democratic presidential election in its history, resulting in the re-election of Alpha Condé.

3. The run-up to the election was dominated by sharp disagreements among politicians on how the elections should be organized. During the second quarter of the year in particular, coalitions of the opposition parties, republican forces and extra-parliamentary groups organized public protests to demand the reconstitution of the Independent National Electoral Commission, the organization of municipal and local elections before the presidential election and the revision of the electoral lists.

4. During the second and third quarters, there were many violent incidents in the suburbs of Conakry between law enforcement officers and groups of protesters and between the President's sympathizers and opposition supporters. As a result of the violence, the country office of the United Nations High Commissioner for Human Rights in Guinea tallied at least 6 civilian casualties, 2 owing to gunfire, and over 50 wounded, including 9 by gunfire. In addition, 22 law enforcement officers were injured, including 6 by homemade rifles.

5. In June 2015, in order to restore peace, politicians agreed to set up an ongoing dialogue between supporters of the President and opposition members, to be led by the Minister of Justice. The pursuit of a consensus-based solution to the political crisis was championed by the international community, especially the United Nations through the Special Representative of the Secretary-General for West Africa, the African Union, the Economic Community of West African States (ECOWAS), the International Organization of la Francophonie, the European Union, the United Nations Development Programme (UNDP), France and the United States of America. On 20 August 2015, the main political actors signed an agreement on: the organization of the presidential election; the redrawing of the 128 urban and rural municipalities based on the results of the proportional list from the 2013 legislative elections; the establishment of a technical committee responsible for monitoring the electoral lists; and the partial reconstitution of the Independent National Electoral Commission through the replacement of some commissioners from the presidential camp who had passed away with commissioners from the opposition.

6. In 2015, the Government continued its efforts to strengthen democracy, in particular by setting up the institutions provided for under the Constitution, namely the Constitutional Court, the Independent National Human Rights Institution and the High Communications Authority. It also opened competitions for public service jobs.

7. The year was also marked by the continuation of reforms undertaken in key areas identified at the end of the transition period in 2010, including justice and security

sector reforms. For example, the national police force and the civil protection force now have a disciplinary code and a code of ethics.

8. On 28 September 2015, the Government inaugurated a hydroelectric dam that has already considerably improved the supply of electricity to the capital and some cities in Basse-Guinée and Moyenne-Guinée. The State continues to invest in basic infrastructure, roads, health-care facilities and recreational centres.

9. Nevertheless, in 2015 Guinea ranked 182nd out of 188 in the UNDP human development index.[1] Ebola virus disease, which broke out in 2014, and the drop in the price of raw materials on the global market severely strained the country's economy. Foreign investment plummeted, causing high unemployment and sending the country into economic stagnation.

III. Situation of human rights

A. Violations committed in the context of the protests

10. Many clashes occurred from April to October 2015 between law enforcement officers and groups of protesters and between the President's sympathizers and opposition supporters, resulting in death and injury owing to the violence resorted to by the protesters and excessive use of force by the police.

11. The country office of the High Commissioner for Human Rights in Guinea recorded six killings during protests by the political opposition between April and October.

12. For example, on 13 and 14 April 2015, despite the ban declared by the authorities,[2] the opposition organized demonstrations in a number of neighbourhoods of Conakry to protest against insecurity in the country and an attack against their spokesperson.[3] Large numbers of protesters, armed with clubs, slingshots and rocks, barricaded roads. The protests led to clashes with the security forces, resulting in the death of a 30-year-old man in the Hamdallaye neighbourhood of Ratoma. According to witnesses, the man was shot by a gendarme.

13. On 7 May 2015, also during political protests in the Hamdallaye neighbourhood, a 34-year-old man was shot and killed, allegedly by a gendarme.

14. On 7 October 2015, gendarmes allegedly fired at supporters of an opposition party, Union des forces démocratiques de Guinée, who had gathered in the Wanindara, Marché II sector in Conakry. A 23-year-old man was killed by gunfire and another injured and more than 100 people were arrested.

15. The staff of the country office visited three public and private health-care facilities in Conakry and met with nine individuals injured by gunfire during the protests of 13 and 14 April 2015. Several injured persons and witnesses stated that the shooters were police officers and gendarmes. In a clinic in Conakry, staff of the country office met with two other people injured by bullets allegedly shot by gendarmes during the protests of 20 April 2015. At the Conakry prison, staff of the country office visited two minors who were arrested during the protests of 13 and 14

[1] See http://hdr.undp.org/en/composite/HDI.

[2] Because they did not recognize the lawfulness of the competent authorities (special delegations), the opposition groups had decided not to submit a written request to the authorities, leading to a ban on protests for failure to comply with procedure.

[3] On the night of 4 April 2015, a member of parliament and spokesperson, Aboubacar Sylla, was attacked in Conakry. While he was driving, two unidentified armed individuals allegedly ordered him to pull over and attempted to enter the vehicle.

April; both had been injured by blows from batons wielded by gendarmes in the Hamdallaye neighbourhood of Ratoma.

16. The security forces have not drawn up a report to determine the origin or circumstances of the shootings and did not come to the aid of the victims, who were transported to health-care facilities by the Red Cross, their families or other protesters.

17. Following the violence on 13 and 14 April, on 15 April the Government announced that an investigation would be conducted to determine responsibility; the findings have not been made public.

18. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials encourage the use of non-violent means to disperse crowds.[4] The use of weapons must be exceptional and can only occur in cases of absolute necessity or self-defence to protect the lives of third parties or to arrest a person who presents a danger and is resisting the authority of law enforcement officers. In the event of illegal gatherings, the use of force should be limited to cases of absolute necessity and be exercised in keeping with the principles of necessity and proportionality.

19. The security forces also carried out mass arrests during the protests and arrests of persons assumed to be close to the opposition. In April and May 2015, staff of the country office went to police and gendarmerie stations where they visited over 100 people who had been arrested during the opposition protests. Some people stated that they had been arrested in the street or at home. According to consistent victim statements, many had been released once their families had paid the arresting police officers or gendarmes an amount ranging from 200,000 to 500,000 Guinean francs (US$ 25 to 65).

20. During clashes between opposition supporters and the President's sympathizers in September 2015 in Koundara, in Boké administrative region, security forces allegedly came from Boké to restore order and arrested 35 individuals suspected of violent acts, along with mere passers-by, including a visually impaired person who was detained at the Boké prison.

B. Right to physical and psychological integrity

21. Significant challenges remain with regard to the manner in which suspects are questioned, especially in cases of serious crime. The country office has observed that it is during the arrest and preliminary investigation stages that most acts of torture are committed by members of the security forces, either to punish the suspects or to force them to admit their guilt or name any accomplices.

22. In 2015, the country office monitored the cases of three foreign men who claimed to have been tortured at the premises of the organized crime unit in May 2015. They were suspected of being involved in the murder of the project coordinator of the Peacebuilding Fund in Guinea in February 2015. In December 2015, they were being held at Conakry prison.

23. The country office has collected information on other cases amounting to inhuman or degrading treatment. In January 2015, staff of the country office met with 32 pretrial detainees held at the civilian prison of Forecariah who were all arrested for destruction of public and private property, bodily harm and assault against officials

[4] The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990. www.ohchr.org/FR/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx.

involved in Ebola virus eradication efforts. They all claim to have been subjected to ill-treatment during their arrest, 21 of them at the hands of gendarmes and 11 by police officers.

C. Right to freedom and security

24. Between January and November 2015, staff of the country office conducted 182 visits to places of detention (prisons, police and gendarmerie stations) during which they observed many cases of arbitrary arrest, extended unlawful detention and continued detention of persons who had served their sentence.

25. Since its establishment in Guinea in 2010, the country office has encountered a widespread form of violation of the right to freedom and security whereby mass arrests are carried out during political and social turmoil and persons suspected of criminal offences are held beyond the statutory limit on police custody in order to extract payment from relatives for their release.

26. In June 2015 alone, the country office recorded 36 cases where the 48-hour statutory limit on police custody was exceeded.

27. In September 2015, staff of the country office visited the urban police station of Enco 5 in the Ratoma district of Conakry, where they met suspects from whom the superintendent had allegedly demanded the payment of a sum of money in return for keeping their cases from going to the public prosecution service. Questioned by the country office regarding the lawfulness of this demand, the detective claimed to have the right to issue "police fines" to suspects. The country office brought the case to the attention of the competent prosecution service. Staff of the country office noted the prevalence of this practice at many police custody facilities, in Conakry and the interior of the country alike, such as the gendarmerie station in Sougueta in the administrative region of Kindia.

28. In August 2015, in Beyla, Guinée Forestière, 12 individuals remained in prison for five weeks despite the fact that the gendarme responsible for investigating their case had declared that they had not committed any offence.

29. In Conakry, at the central police station of Matoto and gendarmerie mobile unit No. 2 in the Hamdallaye neighbourhood of Ratoma, staff of the country office met two young men, one who had been arrested for impregnating a woman and the other for having a verbal altercation with a police officer. In the latter case, the police officer had handed the victim over to the gendarmerie for "disrespecting him". The young man had remained locked up for two days. Both victims were released after the country office argued in their favour.

D. Right to participate

30. Notwithstanding the political violence that marred the pre-election period, in particular during protests organized by the opposition, all of the national and international observers noted that the presidential election took place under free and transparent conditions. Candidates were allowed freely to stand for election, travel, campaign and present their platforms.

31. However, the human rights observers trained by the country office who were deployed to all regions of the country noted anomalies and irregularities that hindered the right to vote, one of the major components of the right to participate. In the four administrative regions, thousands of citizens complained of not being able to enter their names in the electoral lists because there were no enumerators in their towns.

Thousands of others claimed that they did not receive their voting cards despite having been registered and holding registration receipts.

E. Right to health

32. Ebola virus disease, which broke out in Guinea in March 2014, monopolized nearly all the efforts of the Government and its partners in the area of health. The epidemic led to the death of over 2,000 people, the breakdown of the health system due to the loss of over 100 doctors and medical professionals and the desertion of health facilities by patients with other illnesses such as malaria, tuberculosis and HIV/AIDS.

33. With the support of national and international partners, the Government managed to limit the spread of the disease, in particular by conducting intensive awareness-raising efforts, monitoring persons who came into contact with the disease,[5] ensuring victims were buried in safe conditions and authorizing an experimental vaccine against Ebola virus.

34. In April 2015, the Government launched a health system recovery plan for 2015-2017 that focuses on the recruitment and training of medical staff, the construction or rebuilding of infrastructure and the development of medical research. In October 2015, the President initiated renovation and expansion work at the Donka University Hospital Centre, the country's largest hospital.

F. Right to education

35. With the assistance of its development partners, the Government made considerable efforts to improve the education system, especially through the Education For All programme developed as part of the implementation of the poverty reduction strategy. In addition, the education-sector adjustment programme has led to a notable improvement in school infrastructure, access to education, quality of instruction and of learning and decentralized management.

36. However, corruption, which is rampant in Government departments,[6] hinders the effectiveness of education and its provision free of charge, for example through the imposition on parents of abusive fees. In some public schools in Guinée Forestière and Haute-Guinée, in addition to the contributions to the parents' association, every new student is required to provide a desk and chair or to pay the equivalent amount, carry out housekeeping or gardening chores and provide personal services to some teachers. These practices impede the right to education and should entail the imposition of effective disciplinary measures.

G. Fight against impunity

37. In his previous report, the High Commissioner for Human Rights recommended to the Government that it continue to combat impunity, particularly through effective prosecution of alleged perpetrators of human rights violations committed during the events of 28 September 2009, the incidents that took place in Zogota in August 2012, the intercommunal violence of 15 to 18 July 2013, the attacks in Womey on 16 September 2014 and the numerous cases of torture pending before the courts. The

[5] Any asymptomatic person who has come into physical contact with a known case or with the bodily fluids of the latter.

[6] In 2014, Guinea ranked 145th out of 175 on the Corruption Perceptions Index calculated by Transparency International; see www.transparency.org/cpi2014/infographic/global.

country office notes that the judiciary has demonstrated good will by prosecuting some of these cases.

38. From 23 March to 7 May 2015, the Ministry of Justice held mobile sessions of the Kankan appeals court in Nzerékoré to prosecute the murder, in September 2014, of eight members of an Ebola virus awareness-raising team in Womey, as well as intercommunal clashes that took place in July 2013 in Koulé, Nzerékoré and Beyla. In the Womey case, 26 men were accused of killing nine members of a team who had come to raise public awareness of the means of preventing Ebola virus. Eleven of the men were sentenced to life imprisonment while the other 15 were acquitted. In the case of the intercommunal clashes between the Koniaké and the Guerzé that resulted in over 200 deaths, the court sentenced 13 of the 18 defendants to various penalties — including life imprisonment and 20 years' imprisonment — and the other five defendants were acquitted on grounds of failure to substantiate the offences.

39. Other big criminal cases involving several dozen people that were scheduled to be heard by the Kankan appeals court were postponed indefinitely because of a lack of financial resources. The cases relate to the alleged attack by villagers from Zogota against the Brazilian firm ZAGOPE and the attack by defence and security forces against inhabitants of Zogota, on the night of 3 to 4 August 2012.

40. Regarding the events of 28 September 2009, when more than 150 civilians who were demonstrating peacefully at the Conakry stadium were killed and over 100 women were raped by soldiers, in July 2015 the panel of investigating judges granted a hearing to and indicted Moussa Dadis Camara, the leader of the military junta in power at the time of the events, and General Mamadouba Toto Camara, the vice-president of the junta, a little earlier, in June. Several hundred victims and witnesses were heard in this case.

41. The authorities have demonstrated good will in their cooperation with the international community on managing this case. In follow-up to the case, in July 2015, the highest authorities received a visit from the prosecutor of the International Criminal Court, and one in September from the Special Representative of the Secretary-General on Sexual Violence in Conflict.

42. Those who suffered in the events of 28 September 2009 want justice to be done as quickly as possible given that, six years after the fact, the case remains in the investigation stage before the court of first instance. Some victims have died and others want to locate the mass graves so that they may mourn the deceased.

43. Notwithstanding the efforts of the Government to reform the justice and security sectors, impunity remains a major concern. The country office has gathered information on many crimes involving law enforcement officials which remain pending before the courts. For example, despite regular summonses by the authorities, three gendarmes mentioned in various murder cases have refused to come before the judges, arguing that their superiors prohibit it.

H. Administration of justice and conditions of detention

44. In February 2015, the Government approved a plan of priority actions for justice reform with a focus on the following areas: access to the law and justice; an independent and accountable judiciary: the strengthening and enhancement of human and institutional capacity; and the unwavering fight against impunity.

45. In October 2015, in order to address staff shortages in the courts, the Government launched a competition to recruit 50 trainees (who will become judges after a two-year training programme) and 50 registrars.

46. The Government also continued to build and refurbish courts and prisons, including outside the capital. In 2015, construction began on courthouses in five districts of the Kankan administrative region in Haute-Guinée. In April 2015, the Minister of Justice laid the first stone of a maximum security prison in Dubréka, 55 kilometres from Conakry.

47. In June 2015, the National Assembly adopted a law on the reorganization of the judiciary that eliminated the magistrate's courts, assize courts and specialized courts, such as the labour tribunal and the juvenile court. The elimination of the juvenile court, which was seen as an unequivocal step backwards by juvenile justice professionals, caused indignation among human and children's rights defenders. The law introduces the principle of appeal, including in criminal and military cases, and guarantees the right of all persons deprived of their liberty, especially pretrial detainees, to be tried within a reasonable period of time.

48. Notwithstanding the fact that some progress has been made, the justice system continues to be plagued by many deficiencies and detention conditions remain extremely poor.

49. Among the chief shortcomings in the justice sector is the nearly systematic recourse to pretrial detention. This is compounded by the infrequency of hearings (scheduled every four months) which, according to the judicial authorities, is due to insufficient financial resources and by the fact that cases are not tried in chronological order. In November 2015, because of these various factors, 66 individuals were in pretrial detention at the Conakry prison, some having been there for between 3 and 11 years.

50. The case of some pretrial detainees who have been held for protracted periods is worrying. In November 2015, staff of the country office met with two men held in pretrial detention for serious offences for more than 11 years and two others held for lesser offences for 6 to 8 years, despite the fact that the limit on pretrial detention is 8 months for lesser offences, 12 months for more serious offences and 24 months for some offences (drug trafficking, paedophilia, organized crime, transnational crime and breach of State security).

51. Between July and August 2011, five soldiers were arrested in connection with an attack on the home of the President on 19 July 2011. In July 2012, the indictment chamber of the appeals court of Conakry ordered their referral to the military court, which did not exist at the time of the events and was still not functional in December 2015. In May 2015, the United Nations Working Group on Arbitrary Detention requested the Government to proceed with their immediate release and to take all necessary measures to address the serious material and moral damage they had suffered, including comprehensive reparation in keeping with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.[7] In December 2015, the soldiers were still in custody.

52. The shortcomings of the justice system have a direct impact on the living conditions of detainees. In Guinea, places of detention in general, and prisons in particular, are characterized by narrow cells, overcrowding, lack of hygiene, undernourishment, lack of health care and the lack of physical, professional and cultural activities. In 2015, prison overcrowding rose owing to the many arrests and pretrial detentions in connection with the political and social events and the irregularity of court hearings.

[7] Communication No. 20/2015, *General Nouhou Thiam et al. v. Guinea*, views adopted by the Working Group on Arbitrary Detention on 29 April 2015.

53. In all the country's central prisons and the prisons of the main towns in the administrative regions, capacity is considerably exceeded. The central prison in Conakry, which was built during the colonial period to house 300 people, currently has five times that number: in November 2015, the number of detainees was over 1,500. The prisons in Kindia, Mamou, Nzerékoré, Kankan and Boké are also overcrowded. The close quarters and the lack of adequate care mean that the right to dignity is constantly infringed. In Boké, the detainees in some cells are forced to defecate and urinate inside their shared cell because there are no outdoor toilets.

I. Violence against women

54. In his previous report, the High Commissioner recommended that the Government strengthen efforts to combat all forms of discrimination, particularly gender-based stereotypes, and safeguard the right of victims to prosecute perpetrators of discrimination through the courts.

55. In cooperation with its national and international partners, the Government continued to combat gender-based violence. Meaningful legal reforms have been under way for over a decade with a view to bringing the Guinean legal system into line with the international human rights instruments to which Guinea is a party. In 2009, the Government set up the Office for the Protection of Gender, Children and Morals to fight violence against women and children. In partnership with the United Nations system and other national and foreign actors, the Ministry of Social Action, the Advancement of Women and Children's Affairs intensified awareness-raising campaigns on all forms of violence against women.

56. Nevertheless, sexual violence, early marriage, domestic violence and female genital mutilation remain widespread across the country.

57. Although the Children's Code, which was adopted in 2008, sets the minimum marriage age at 18, thousands of underage girls are forced into marriage each year, leading to serious health problems, especially of a gynaecological and obstetrical nature, and failure to complete their schooling.

58. Many women continue to be subjected to physical violence, including sexual violence, both within and outside the marriage. In 2015, the Office for the Protection of Gender, Children and Morals received over 400 complaints: 166 of rape, 58 of sexual assault, 157 of physical assault, 14 of forced marriage, 9 of withholding of resources and 5 of psychological violence.

59. According to all the actors working on the issue of violence against women, these figures are far below the actual numbers. The issue of rape and other forms of violence against women remains taboo. According to the Ministry of Social Action, the Advancement of Women and Children's Affairs, only 1 per cent of women victims of gender-based violence take legal action. Usually, victims are under great pressure from their families, the elites and religious figures to not file a complaint or to withdraw one if legal action has been taken.

60. The most common form of violence against women and girls remains female genital mutilation, including circumcision. According to the findings of the 2012 Demographic and Health Survey, 97 per cent of girls and women have been subjected to circumcision, placing Guinea second in the world, despite numerous awareness-raising campaigns designed to discourage the practice. In 2015, the security services arrested 22 people involved in the circumcision of young girls, the second time

individuals have been arrested for such acts in Guinea. Fourteen of them were brought before the courts and three were given suspended prison sentences or fines.[8]

IV. Cooperation to promote and protect human rights

A. Transitional justice and national reconciliation process

61. In 2015, the country office of the High Commissioner for Human Rights in Guinea continued to provide technical support to the Provisional Commission on National Reconciliation,[9] as part of the implementation of a project to further national consultations regarding the national reconciliation process and mechanisms. The goal of the project, which is funded by the Peacebuilding Fund, is to gather the public's views on how to achieve national reconciliation. With the support of the authorities, the country office and the United Nations Development Programme (UNDP), the Provisional Commission's headquarters have been established and its staff have been recruited and deployed following its official inauguration by the President on 25 March 2015.

62. As part of its technical support to the Provisional Commission, the country office has held capacity-building sessions for various stakeholders, including the staff of the national consultations project, women leaders and members of the Government. From 22 to 25 April 2015, with the financial support of the International Organization of la Francophonie, the country office held a seminar in Conakry to enable female leaders to share their experience with regard to the issues, challenges and outlook surrounding the involvement of women in the transitional justice process. Pursuant to one of the recommendations made at this training session, the female leaders set up a platform for peace of the women and young people of Guinea. The platform's members are actively involved in bringing about a peaceful dialogue and alleviating political tensions through advocacy work with various social actors.

63. From 4 to 7 May 2015 the country office held a capacity-building session in Boké, for the staff of the Provisional Commission regarding their role and responsibilities in the national reconciliation process.

64. On 15 July 2015, the country office held an information seminar in Conakry on the Government's role and responsibilities in the reconciliation process in which the Prime Minister, 28 members of the Government and senior officials took part.

65. The country office also provided technical support, enabling the Provisional Commission to hold exchanges and information sessions with social actors to discuss the issues and challenges in relation to the national consultations and identify the actions to be taken to ensure their success. Throughout July 2015, the co-presidents of the Provisional Commission were able to meet with members of the National Assembly, victims' associations, the gendarmerie high command, the police, high ranking military officers, the media and the country's technical and financial partners.

66. With the technical support of the country office and UNDP, the regional teams of the national consultations project that were deployed in the field held information sessions in all the administrative regions on the pillars of transitional justice, the

[8] Under the Children's Code, the penalties range from 3 months' to 2 years' imprisonment and a fine of between 300,000 and 1 million Guinean francs (art. 407). If the mutilation led to some form of disability, the perpetrator(s) will be punished by 5 to 10 years' rigorous imprisonment and a fine of between 1 million and 3 million Guinean francs (art. 408). If the procedure resulted in the child's death, the perpetrator(s) will be punished by 5 to 20 years' rigorous imprisonment (art. 409).

[9] The Provisional Commission was established by Decree No. D/2011/192/PRG/SGG of 24 June 2011.

holding of national consultations, the role of the Provisional Commission and the involvement of victims in the transitional justice process. During these activities, which were run by the country office and designed for local State actors and civil society organizations, 4,037 people (including 1,076 women) were made aware of the need for a participatory and inclusive approach to dealing with the country's past.

67. The country office assisted the Provisional Commission in drawing up and carrying out a strategy for publicizing and promoting participation in the national consultations, including by providing technical expertise to the Provisional Commission's media team.

B. Cooperation with international human rights protection mechanisms

1. Universal periodic review

68. The country office's advocacy work and technical assistance led to the submission of the second periodic report of Guinea to the Working Group on the Universal Periodic Review (A/HRC/WG.6/21/GIN/1), which was considered on 20 January 2015. Following its consideration, 194 recommendations were made to the Government. In its reply of June 2015, the Government accepted 180 of the recommendations and took note of the other 14, which mainly concerned the abolition of the death penalty and the protection of lesbians, gays, bisexuals and transgender persons.

69. The recommendations that were accepted dealt with, inter alia, the signing and ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Agreement on the Privileges and Immunities of the International Criminal Court; the establishment of the Independent National Human Rights Institution; the continued reform of the justice and security sector; the fight against female genital mutilation, including circumcision; the struggle against impunity; the protection of the rights of vulnerable persons, including detainees, women and children; and national reconciliation.

70. The country office works closely with the Government and civil society on the implementation of these recommendations. In December 2015, the country office met with the relevant partners to formulate an implementation plan, taking into account the achievements and progress made in carrying out the recommendations stemming from the universal periodic review of 2010.

2. Cooperation with treaty bodies

71. The country office continued to help its Guinean partners to catch up on the submission of reports to the treaty bodies. It provided support to the interministerial committee on human rights for the preparation and submission of the initial report of Guinea to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. This report, which should have been submitted in 2004, was transmitted in July 2015. In that connection, on 26 August 2015, the country office ran a training session for the members of the interministerial committee on taking ownership of the report, raising awareness of the rights enshrined in the Convention and preparing the delegation responsible for defending the report in Geneva. In its concluding observations, the Committee encouraged Guinea to consider adopting a migration policy (see CMW/C/GIN/CO/1, para. 8).

C. Strengthening the rule of law

1. Legal reforms

72. For the past several years, the country office has been supporting the Government in its efforts to reform the security and justice sectors.

73. In 2015, in cooperation with the relevant partners, the country office took part in all the sessions to review the various legal instruments, in particular the Code of Military Justice, the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Children's Code. Thus, the country office ensured that human rights, including the right to a fair trial, were taken into consideration in the law in keeping with the country's relevant international commitments.

74. The bills to amend the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Code of Military Justice were transmitted to the Ministry of Justice in May 2015, which then transferred them to the Secretariat-General of the Government in September 2015 for consideration by the Government before being put to the National Assembly.

75. The country office also provided assistance to the Ministry of the Interior and the Ministry of National Defence on formulating codes of conduct and codes of ethics for the police and civil protection force. It provided support to the Ministry of Social Action, the Advancement of Women and Children's Affairs in drafting a bill on equality, which was transmitted to the Secretariat-General of the Government in September 2015.

76. The legal framework for the protection of human rights was strengthened through the adoption of the following instruments between April and June 2015: a law on the reorganization of the judicial system; a law on the application of article 37 of the Constitution of 7 May 2010 and special regimes for the punishment of offences committed by certain officials; and a law on public order. All these instruments have taken into account human rights, especially the right to a fair trial, and gender.

77. In 2015, the country office published 15,000 copies of the code of conduct of the defence and security forces and 45,000 copies of the summary of the code, in booklet form. The code of ethics, part of which is devoted to respecting the principles and values of human rights, has been used by the country office as a teaching tool at information and awareness-raising sessions for the defence and security forces and the unit responsible for security during the presidential election.[10]

2. Institutional strengthening

78. The country office continued to advocate the establishment of the institutions provided for in the Constitution. In 2015, three institutions, whose role is fundamental to strengthening the rule of law, were set up.

79. The establishment of the Constitutional Court was a major achievement, and its members were sworn in on 3 April 2015.

80. In addition, the Independent National Human Rights Institution became operational. Following the promulgation of the law on the organization and functioning of the Independent National Human Rights Institution (adopted in July 2011) in December 2014, its 33 members were appointed by presidential decree on 30 December 2014. In August and October 2015, the country office began a series of

[10] The unit is a temporary entity composed of police officers and gendarmes responsible for security during the election campaign, on the day of the election and after the announcement of the final results.

capacity-building sessions for the members of the Institution on the institution's role in promoting and protecting human rights and on the monitoring of human rights during elections.

81. Lastly, the High Communications Authority [11] was set up in March 2015, replacing the National Communications Council. This institution has 11 members, appointed for a single, five-year mandate. Its mission is to protect the right to information. It also has a support and mediation role with a view to preventing undue control of the media by the Government and any manipulation of public opinion via the media. It is responsible for ensuring freedom and protection of the press and all mass media in keeping with the law. In addition, it ensures that the related ethical considerations are observed and that political parties, associations and the public have equal access to official information and the media.[12] The president of the Authority was nominated by the President then elected by her peers in March 2015.

82. The establishment of these institutions is a significant step forward in the strengthening of the rule of law. However, sufficient financial and logistical resources [13] must be allocated in order to ensure that they operate smoothly and independently.

3. Establishment of a committee to monitor human rights violations

83. In December 2014, the country office set up a committee to monitor cases of human rights violations; the committee is composed of representatives of the Ministry of Justice, the Ministry of National Defence, the Ministry of the Interior, the gendarmerie high command and the Military Justice Directorate, as well as non-governmental organizations working in the areas of women's rights, children, detention conditions and legal aid. The committee meets monthly, under the auspices of the country office, to discuss the human rights situation, in particular the alleged violations brought to the attention of or observed by the country office in the preceding month. The committee then submits recommendations to the representative of the ministry or ministries concerned. The committee has issued early warnings and, in some cases, has helped put an end to the violations.

D. Support for civil society organizations

84. The country office continued its collaboration with human rights organizations and provided them with technical assistance. It held regular meetings with civil society organizations to discuss the human rights situation and share information regarding the activities and good practices of the various organizations. In April 2015, it trained members of women's rights organizations in the incorporation of a gender perspective in the transitional justice process. In October 2015, in partnership with the Guinean Organization for the Defence of Human Rights and the International Federation for Human Rights, the country office trained human rights observers in techniques for monitoring human rights and documenting violations during elections.

[11] As provided for under Act No. L 2010/003/CNT of 22 June 2010 on the powers, organization, membership and functioning of the High Communications Authority.

[12] See article 4 of the aforementioned law.

[13] For example, the Independent National Human Rights Institution does not have official headquarters and its offices are temporarily located at the Palais du Peuple.

V. Conclusions and recommendations

85. In the light of the observations contained in this report, the Office of the High Commissioner for Human Rights recommends that the Government of Guinea:

(a) Strengthen the struggle against impunity, especially among officers of the defence and security forces;

(b) Continue the reform of the justice and security sectors;

(c) Reorganize the judiciary to allow the regular holding of trials and end prison overcrowding;

(d) Take a comprehensive approach to the fight against female genital mutilation, including circumcision, and against all forms of discrimination against girls and women;

(e) Provide technical and financial support to the Provisional Commission on National Reconciliation for the conduct of national consultations and, in that connection, comply with the visit request made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence;

(f) Ensure that the Independent National Human Rights Institution can function, in particular by allocating the necessary financial and logistical resources, including premises, for it to carry out its mandate in keeping with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);[14]

(g) Step up cooperation with international human rights protection mechanisms, in particular by adopting an action plan to implement the recommendations stemming from the universal periodic review and measures to follow up on the observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.

86. The High Commissioner recommends that the international community:

(a) Maintain the assistance needed to continue the political dialogue and strengthen the rule of law;

(b) Continue supporting the reform of the security and justice sectors;

(c) Continue providing assistance to the Government for the post-Ebola recovery plan;

(d) Provide the Government with the necessary financial and technical assistance to support its efforts to abolish female genital mutilation, including circumcision, and to enhance the realization of women's rights;

(e) Provide the Government with the necessary assistance to reduce poverty and enhance the realization of economic and social rights.

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[14] The Paris Principles, which were adopted by the General Assembly in resolution 48/134, define the minimum criteria that a national institution for the promotion and protection of human rights must meet in order to be considered legitimate.